



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,655	01/24/2000	Bernard Daskal	28951/3	6092
<div>7590 10/26/2007</div> <div>Charles R Macedo Amster Rothstein & Ebenstein 90 Park Avenue 21st Floor New York, NY 10016</div>				
			<div>EXAMINER</div> <div>ANDERSON, CATHARINE L</div>	
			<div>ART UNIT</div> <div>3761</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>10/26/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09489655	1/24/00	DASKAL, BERNARD	28951/3

Charles R Macedo
Amster Rothstein & Ebenstein
90 Park Avenue
21st Floor
New York, NY 10016

EXAMINER

C. Lynne. Anderson

ART UNIT	PAPER
3761	20071019

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In response to the BPIA order remanding to examiner, the Declarations under 37 CFR 1.132 filed 23 January 2002 and 18 October 2002 have been considered.

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

Art Unit: 3761

Oath/Declaration

In response to the BPIA order remanding to examiner, the Declarations under 37 CFR 1.132 filed 23 January 2002 and 18 October 2002 have been considered.

The oath or declaration is defective.

The oath or declaration is defective because:

The clause regarding "willful false statements ..." required by 37 CFR 1.68 has been omitted.

The Declarations under 37 CFR 1.132 filed 23 January 2002 and 18 October 2002 are insufficient to overcome the rejection of claims 1 and 5-7 based upon 35 U.S.C. 103(a) as set forth in the last Office action because: The Declarations state that the claimed invention provides a solution to the long-felt need of a feminine hygiene article having a topsheet that masks stains. However, the prior art of record explicitly teaches providing a topsheet that masks stains (see Van Iten, column 11, lines 10-13; Datta, column 3, lines 46-48). Regardless of the source of the long-felt need, the solution has already been disclosed in the prior art of record. The relative lightness or darkness of the topsheet is an obvious modification to the invention, as described in the Examiner's Answer dated 3 October 2003.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

Art Unit: 3761

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CIA

cla

October 19, 2007